



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL AIR STATION
700 AVENGER AVENUE
LEMOORE, CALIFORNIA 93248-5001

NASLEMINST 1620.2D

11

22 JUL 1998

NAS LEMOORE INSTRUCTION 1620.2D

From: Commanding Officer, Naval Air Station, Lemoore

Subj: EXTRA MILITARY INSTRUCTION, WITHHOLDING OF PRIVILEGES,
EXTENSION OF WORKING HOURS, POSITIVE LEADERSHIP

Ref: (a) U.S. Navy Regulations
(b) OPNAVINST 3120.32B
(c) MCM
(d) JAG Manual

Encl: (1) Form FL-00A-63 (R8-86)
(2) Form FL-00A-65 (R8-86)

1. Purpose. To provide guidelines and procedures for implementing certain aspects of the authority which exists within the military chain of command, specifically, the assigning of extra military instruction, the withholding of privileges, the extension of working hours, and the exercise of positive leadership.

2. Cancellation. NASLEMINST 1620.2C

3. Policy. Positive leadership is necessary for unit readiness and operational efficiency at all levels of the military chain of command. Positive leadership necessarily requires the proper exercise of authority. Article 1037 of reference (a) grants authority to officers and petty officers within the chain of command and requires the obedience of subordinates of all lawful orders. Inherent in this general grant of authority is the ability of the Commanding Officer, Naval Air Station, Lemoore, to assign extra military instruction, to authorize the withholding of privileges, and to extend working hours, as well as to take those steps deemed necessary and proper to ensure that positive leadership exists at all levels within this command. The exercise of this authority is far broader than the use of Commanding Officer's nonjudicial punishment and disciplinary powers. The procedures herein are nonpunitive and do not preclude the administration of disciplinary action. They are to be used to help ensure good order and discipline in the command, pursuant to reference (b). Punitive measures should be employed

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only when the positive leadership tools addressed in this instruction are not effective or appropriate.

4. Discussion

a. Extra Military Instruction. Extra military instruction (EMI) is instruction in a phase of military duty in which an individual is deficient, directed toward the correction of that deficiency. EMI is a nonpunitive measure authorized by paragraph 306 of reference (c) and section 0103 of reference (d) as a bonafide training device intended to improve the efficiency of a command and must therefore be genuinely intended as such and not used as a substitute for punitive action appropriate under the UCMJ.

b. Withholding of Privileges. The temporary withholding of privileges authorized by paragraph 306 of reference (c) and section 0104 of reference (d) is a nonpunitive measure that may be employed by superiors to correct infractions of military regulations or performance deficiencies in their subordinates when punitive action does not appear appropriate due to the minor nature of the infraction of deficiency. A privilege is a benefit provided for the convenience or the enjoyment of an individual. Examples of privileges that may be withheld as nonpunitive measures are special liberty, special command programs, base library facilities, base recreational facilities, and base recreational service events.

c. Extension of Working Hours. Deprivation of liberty as a punishment, except as specifically authorized under the UCMJ, is illegal and therefore unauthorized. It is illegal for any officer or petty officer to deny any of his/her subordinates normal liberty or privileges incident thereto as punishment for any offense or malperformance of duty. It is, however necessary to the efficiency of the Naval Service and this Command that certain functions be performed and that certain work be accomplished in a timely manner. It is not a punishment when persons in the Naval Service are required to remain on board and be physically present outside of normal working hours for work assignment that should have been completed, for additional essential work, or for the currently required level of operational readiness.

d. Positive Leadership. The beneficial acts of subordinates should be openly noted and commended.

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5. Actiona. Extra Military Instruction

(1) Authority. Authority to assign EMI to be performed during working hours is an inherent part of that authority over subordinates, which is vested in officers and petty officers in connection with the duties and responsibilities assigned to them. Authority to assign EMI to be performed after working hours rests with the Commanding Officer. This instruction delegates to Department Heads and Special Assistants the authority to assign EMI after working hours.

(2) Policy. The following policy will apply to all EMI assigned. EMI will be logically related to the deficiency to be corrected.

(a) EMI will not be conducted for more than two hours per day.

(b) EMI outside normal working hours will be conducted at a reasonable time.

(c) EMI will not be conducted over a period that is longer than necessary to correct the performance deficiency for which it was assigned.

(d) EMI will not be conducted on the service member's Sabbath.

(e) EMI will not be used for the purpose of depriving the service member of normal liberty to which the member is otherwise entitled. A service member who is otherwise entitled thereto may commence normal liberty upon completion of EMI.

(3) Reporting of After-Working hours EMI Assigned. In every case where EMI after working hours is assigned, the person assigning the EMI will complete and forward a copy of FL-00A-63 (R8-86) to the Staff Judge Advocate. In cases where a person other than the department head has assigned the EMI, the form will be routed to the Staff Judge Advocate via the department head.

b. Withholding of Privileges

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(1) Authority. This instruction delegates authority to Department Heads to withhold certain privileges from service members as they deem appropriate. These special privileges include special liberty, special command programs, base recreational facilities, including but not limited to base movies, gymnasium, bowling alley, Enlisted Members Club, and base recreational service events. A service member's normal liberty may not be withheld as a denial of privilege.

(2) Reporting of Privileges Withheld. The department head must complete and forward a copy of FL-00A-65 (R8-86) to the Staff Judge Advocate's office in every case where a member has had a privilege withheld.

c. Extension of Working Hours. The instruction authorizes all officers and petty officers within this Command to extend working hours in consonance with paragraph 4c of this instruction. It is expected that supervisory personnel will keep their immediate supervisors informed when they intend to direct their subordinates to work beyond normal working hours. In all cases where normal working hours will be extended beyond three hours, the appropriate Department Head will be informed by the supervisor adding the extension.

d. Positive Leadership. Each officer and petty officer is charged with the exercise of positive leadership within this command and within the naval service. All officers and petty officers are encouraged to publicly commend their subordinates when appropriate and to take the initiative to recognize outstanding performance by individuals within their organization. The following list of examples is illustrative of those actions which supervisory personnel within this command may undertake:

(1) Award letters of commendation and appreciation or recommend such for signature of the Commanding Officer.

(2) Initiate recommendation for personal awards and assignment to training schools.

(3) Assign preferred duties.

(4) Initiate recommendations for special recognition as sailor of the month, quarter, etc.

(5) Make recommendations for reenlistment and review personnel performance evaluations.

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(6) Take other action which an officer or petty officer of this command believes will promote these policy objectives in a positive manner.

6. Forms. FL-00A-63(R8-86) and FL-00A-65(R8-86) are available by submitting a print request to Duplicating and Forms Control (Code 11A12).



L. D. CHILDRESS

Distribution: (NASLEMINST 5215.2V)
List B

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1620

Date: _____

MEMORANDUM

From: _____

To: Staff Judge Advocate

Subj: ASSIGNMENT OF EXTRA MILITARY INSTRUCTION (EMI)

Ref: (a) NASLEMINST 1620.2D

1. Per reference (a), the following information is provided:

a. _____
Rank/rate, name, title of person assigning EMI

b. _____
Rate, name of person assigned EMI

c. _____
Nature of EMI

d. _____
Duration of EMI (include specific dates/times)

e. Reason for assigning EMI and deficiency sought to be
corrected: _____

f. Remarks: _____

SIGNATURE OF PERSON ASSIGNING EMI/DATE

DEPARTMENT HEAD (IF OTHER THAN ABOVE)/DATE

STAFF JUDGE ADVOCATE/DATE

FL-00A-63(R8-86)

Enclosure (1)

22 JUL 1998

1620

Date: _____

MEMORANDUM

From: _____

To: Staff Judge Advocate

Subj: WITHHOLDING OF PRIVILEGES

Ref: (a) NASLEMINST 1620.2D

1. Per reference (a), the following information is provided:

- a. _____
Rank/rate, name, title of person withholding privilege(s)
- b. _____
Rate, name of person whose privilege(s) withheld
- c. _____
Privilege(s) withheld
- d. _____
Duration of withholding of privilege(s)
- e. Reason for withholding privilege(s): _____

- f. Remarks: _____

SIGNATURE OF PERSON WITHHOLDING PRIVILEGE(S)

DEPARTMENT HEAD (IF OTHER THAN ABOVE)/DATE

STAFF JUDGE ADVOCATE/DATE

FL-00A-65 (R8-86)

Enclosure (2)